

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

|                           |   |                    |
|---------------------------|---|--------------------|
| VELETTA COLEMAN,          | § |                    |
|                           | § |                    |
| Plaintiff,                | § |                    |
|                           | § |                    |
| V.                        | § | No. 3:20-cv-2800-B |
|                           | § |                    |
| SARAH-RENEE HOLLINGSWORTH | § |                    |
| GARNER, ET AL.,           | § |                    |
|                           | § |                    |
| Defendants.               | § |                    |

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case (the “FCR”) and supplemented the FCR after Plaintiff filed her one amended complaint as a matter of course. In sum, the Magistrate Judge recommends that Plaintiff’s lawsuit be dismissed for lack of subject matter jurisdiction.

Plaintiff filed objections, in which she asserts that the Court possesses subject matter jurisdiction under 28 U.S.C. § 1332, arguing that, prior to May 8, 2020, the date on which it appears Plaintiff graduated from college in Louisiana, there was complete diversity of citizenship. *See, e.g.*, Dkt. No. 10 at 3-5.

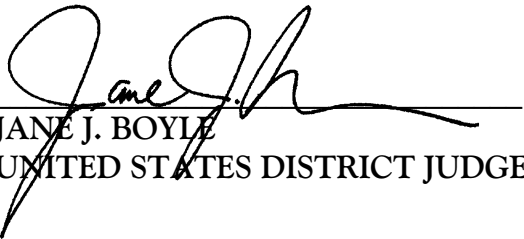
The Court disagrees. “Whether diversity jurisdiction exists is determined by examining the citizenship of the parties at the time suit was filed.” *Harris v. Black Clawson Co.*, 961 F.2d 547, 549 (5th Cir. 1992) (citing *Smith v. Sperling*, 354 U.S. 91, 93 n.1 (1957)). At the time that Plaintiff filed this suit, on September 8, 2020, the only basis to determine her domicile (or citizenship) was that she resided in Texas. It does not matter for diversity purposes that she may have been attending

college in Louisiana up to May 8, 2020 as she has not established that, at the time she filed this suit, she resided in Louisiana and intended to remain there indefinitely—and thus established that she is domiciled in Louisiana. In fact, the evidence she has provided proves the opposite—that, by moving to Dallas, she did not intend to reside in Louisiana after graduating from college. The Court therefore **OVERRULES** her objections.

The District Court has now reviewed *de novo* those portions of the proposed FCR as supplemented to which objections were made and reviewed the remaining portions for plain error. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge as supplemented.

**SO ORDERED.**

**DATE: May 25, 2021.**



JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE